

ORDER OF THE COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD GARY HALL, JR.,)	No. C 09-0057 RMW (PR)
)	
Plaintiff,)	ORDER DIRECTING PLAINTIFF
)	TO FILE OPPOSITION
v.)	
)	
JASMINE A. TEHRANI, et al.,)	
)	
Defendants.)	

Plaintiff, a state prisoner proceeding pro se, filed a second amended civil rights complaint pursuant to 42 U.S.C. § 1983. Currently pending before the Court is Defendants' motion to dismiss and, alternatively, for summary judgment. Because of an ongoing discovery issue, the motion for summary judgment is not yet submitted. However, Defendants' motion to dismiss argues that Plaintiff fails to state a claim because his retaliation claim is barred by Heck v. Humphrey, 512 U.S. 477, 486-487 (1994). If Defendants' motion to dismiss based on Heck is meritorious, a ruling on their motion for summary judgment would be unnecessary. Thus, Plaintiff is directed to file his opposition to Defendants' motion to dismiss, addressing the Heck issue, **no later than thirty days** from the filing date of this order. Upon that date, the Defendants' motion to dismiss will be submitted for the court's review.

IT IS SO ORDERED.

DATED: i 11/11


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD G HALL,
Plaintiff,

Case Number: CV09-00057 RMW

CERTIFICATE OF SERVICE

v.

JASMINE A TEHRAN et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 29, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard Gary Hall C-07278
Correctional Training Facility
P.O. Box 689
YW-343up
Soledad, CA 93960-0689

Dated: August 29, 2011

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk